

# Protection for Migrants

## Right of residence in the event of separation/divorce

Foreign women who have entered Liechtenstein through *family unification* do *not* have a *separate right of residence*. Their right of residence depends on their husband's permit and on the following:

### Separation/divorce before 5 years have passed

If there is an actual separation or a divorce, foreign citizens risk losing their residence permit.

If *citizens of third states* (i.e. outside the EU/EEA) get separated or divorced from their husband (who is also a *citizen of a third state*) before 5 years have passed, the residence permit is cancelled / its extension is refused (*Ausländergesetz*, Act on Aliens, LGBl.<sup>1</sup> 2008 Nr. 311). If the *husband is an EEA or Swiss citizen*, the wife will keep her residence permit as long as she meet certain requirements<sup>2</sup> listed in the *Personenfreizügigkeitsgesetz* (PFZG, Act on the Free Movement of Persons) (cf. Art. 47 (3) PFZG, LGBl. 2009 no. 348).

If *EU/EEA citizens* separate or get divorced from their *husband* (who is a *citizen of a third state*) before 5 years have passed, the residence permit is cancelled / its extension is refused (Act on Foreigners). If the *husband is an EEA or Swiss citizen*, the wife will keep her residence permit if certain requirements<sup>3</sup> are met (cf. Art. 46 (1) PFZG). The wording of these laws can be seen (in German) at [www.gesetze.li](http://www.gesetze.li).

In all other cases, the further right of residence is examined in the course of an interview by the *Ausländer- und Passamt* (Office for Aliens and Passports).

<sup>1</sup> LGBl. = Landesgesetzblatt, Liechtenstein Legal Gazette

<sup>2</sup> Primarily, these are: proof of an employment contract in Liechtenstein of more than one year or without a time-limit, employment being at least 80 %; if there is no gainful employment, enough financial means that no social welfare is needed; married for at least 3 years (at least one year of this period in Liechtenstein); parents' care for the children, entering into an Integration Agreement.

<sup>3</sup> Primarily, these are: proof of an employment contract in Liechtenstein of more than one year or without a time-limit, employment being at least 80 %; if there is no gainful employment, enough financial means that no social welfare is needed.

## Separation/divorce after 5 years have passed

If the marriage lasted for more than 5 years, *citizens of third states whose husband is also a citizen of a third state* will get their residence permit extended if there has been «successful integration». The question of whether or not integration has been successful is decided by the discretion of the Office for Aliens.

If the husband is an *EEA or Swiss citizen*, the residence permit is normally extended.

*Swiss and EU/EEA citizens* whose *husband is a citizen of a third state* will get their residence permit extended if there has been «successful integration». The question of whether or not integration has been successful is decided by the discretion of the Office for Aliens.

If the *husband is also an EEA or Swiss citizen*, the residence permit is usually extended.

If a further right of residence in Liechtenstein is admissible, the migrants receive their own right of residence and – depending on the law that applies – may apply for settlement (Swiss and third-state citizens) or permanent residence (EU/EEA citizens) (*Personenfreizügigkeitsverordnung*, Ordinance on the Free Movement of Persons, LGBL 2009 Nr. 350).

## Exceptional provisions in the law concerning aliens

In Article 39 of the Act on Aliens, Liechtenstein law concerning aliens provides exceptions from the cancellation of a residence permit if a marriage is dissolved *before 5 years have passed*. Wives may obtain their *own independent right of residence if*

- there is a practised and intact relationship to the children they have together, and if the *well-being of the minor children* would be *substantially endangered* by cancelling the permit.
- the wife can be proven to have been the *victim of marital violence*, so that she could not be expected to continue the marriage.

These provisions apply to *migrants from third countries as well as for migrants from the EU/EEA territory and from Switzerland as long as the husband is a citizen of a third state*.

## Proof of marital violence

Marital violence can be proven in particular by:

- doctor's certificates
- police reports
- witnesses' testimonies, or
- relevant criminal convictions

## The dilemma of migrant women

Migrant women who suffer from violence in their partnership and therefore want to separate from their husband frequently find themselves in a big dilemma: for many, returning to their home country is not an option for various reasons. If they want to end the marriage with their violent husband, they still risk losing their residence permit if they have come here through family unification and the marriage lasted for less than 5 years. This uncertain residence status is one more burden for women concerned by violence in an already difficult situation and has the consequence that they often keep up an inhuman way of living and that they are wide open to attempts by their violent husbands to put pressure on them.

# Protection from violence at home

## Advice and support at *infra*, at the Women's Refuge, and at Victim Support

**infra** (*Informations- und Beratungsstelle für Frauen*, point of contact and information for women) advises and informs women on a large number of topics, such as marriage law, problems in the partnership, separation and divorce, sexual harassment, stalking, domestic violence, migration etc. Free **legal advice** for women is given on a regular basis. If required, consulting will be organised with a translator present.

The **Frauenhaus Liechtenstein** (Liechtenstein Women's Refuge) offers **protection and help to women and their children** who are affected by physical, psychical, or sexual violence. Women will be accepted and find accommodation at the Women's Refuge 24h/day, and will also find counsel and support on the telephone.

The **Opferhilfestelle** (Victim Support Institution) is available to victims of criminal offences and their relatives. It offers free advice and help in psychological, medical, legal, and insurance questions to persons whose physical, mental, or sexual integrity has been violated. It also offers help within the framework of the *Opferhilfegesetz* (Victim Support Act).

Women affected by violence may also turn to the **Amt für Soziale Dienste** (Office for Social Services).

## Laws for protection against violence

The responsibility for violence always rests with the person exercising it. The victims of violence have the right to receive support and help. The laws for protection against violence provide remedies:

In a situation of **acute danger**, immediately turn to the **Liechtenstein Police, emergency call number 117**. It is obliged to take action immediately.

## Right of removal and prohibition of entering

The police may immediately remove a person that is a danger to others from the flat / the house and the immediate surroundings, and may prohibit that person from entering this area. The victims and the victim's children have the right to remain in the environment they are used to. The prohibition of entering may also be imposed if the victims *turn to the police after the abuse and are afraid of further violence*.

The prohibition of entering is valid for *10 days*, and compliance is monitored by the police during the first 72 hours. The prohibition of entering ends after as many as 20 days if the person concerned immediately submits an application to the *Landgericht* (Court of Justice) for a provisional injunction.

## Long-term protection by provisional injunction

If a person *cannot be expected to live together with the violent person* as a result of physical abuse, sexual violence, threats, or mental violence, the persons concerned or close relatives may apply to the Court of Justice *within 10 days* that it issue a *provisional injunction* for the removal of the violent person. The places that must not be entered by the violent person must be listed in detail.

A provisional injunction may also be issued without prior intervention by the police. It is preliminarily valid for *3 months*. Women will receive assistance in submitting an application by the Office for Social Services, the Victim Support Institution, or the Women's Refuge.

For more detailed information, see the brochure *Gewaltschutzrecht, Das neue Recht zum Schutz vor Gewalt in der konkreten Umsetzung*, edited by the *Stabsstelle für Chancengleichheit* (Equal Opportunities Unit) in cooperation with the Office for Social Services and the Victim Support Institution.

## How to proceed?

**If you want to end your marriage because your husband is violent, plan this step carefully and get advice before you start.**

- Talk about the situation with your doctor, your therapist, or one of the mentioned counselling institutions.
- If there is acute violence, call the Liechtenstein Police (emergency call number 117) and obtain a prohibition from entering or, if there is long-term danger, a provisional injunction.
- If you want to or have to leave your marital home because of violence, the Women's Refuge will offer you protection (Tel 380 02 03).
- Make use of the advice and support offered by the above institutions.

## Who can help?

### Infra

Point of contact and information for women  
Landstrasse 92  
9494 Schaan  
Tel 232 08 80  
[www.infra.li](http://www.infra.li)

### Frauenhaus Liechtenstein

Tel 380 02 03  
24 hour contact  
[www.frauenhaus.li](http://www.frauenhaus.li)

### Opferhilfestelle

Postgebäude, Landstrasse 190  
9495 Triesen  
Tel 236 76 96  
[www.ohs.llv.li](http://www.ohs.llv.li)

### Amt für Soziale Dienste

Postplatz 2  
9494 Schaan  
Tel 236 72 72  
[www.asd.llv.li](http://www.asd.llv.li)

### Lawyers

[www.lirak.li](http://www.lirak.li)

### Texts of laws

[www.gesetze.li](http://www.gesetze.li)

### Liechtenstein police

Emergency number 117

infra  
special

### Imprint:

#### Protection for Migrants

#### Publisher:

infra (point of contact and information for women)

**Layout:** Sabine Bockmühl, Triesen

**Translation:** Interlingua Anstalt

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